

**MINUTES OF THE LAFAYETTE COMMON COUNCIL  
SEPTEMBER 14, 1998  
REGULAR SESSION**

The Common Council of the City of Lafayette, Indiana met in Regular Session on Monday, September 14, 1998, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Altting called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present:	Boehning, Meyer, Probasco, Campbell, Downie, Rhoda, Fisher, Smith, Altting
Absent:	None

Councilman Campbell moved to recess for a Public Hearing on Ordinances 98-40 and 98-41, Councilman Probasco seconded. The motion passed by unanimous voice vote. The Clerk read the title to Ordinance 98-40 (An Ordinance Fixing the Salaries of the Elected Officials of the City of Lafayette, Indiana for the Years 1999 and 2000) and there was no public comment. The Clerk read the title of Ordinance 98-44 (An Ordinance Vacating both the Public Alley Between 26<sup>th</sup> Street and 27<sup>th</sup> Street in the block North of South Street and the Unimproved Public Alley between Ferry Street and the other Public Alley within the City of Lafayette, Indiana - Lafayette Home Hospital Petitioner). Tom McCully, representing Home Hospital, stated that he was available for questions. Margy Deverall, 114 S. 27<sup>th</sup> Street, stated that there are neighbors that are concerned about Home Hospital's plans and the impact that it will have on the neighborhood. Ms. Deverall asked audience attendees to stand who were also present with concerns. Ms. Deverall stated that the vacation is unnecessary until the request for rezoning is decided.

Councilman Campbell moved to reconvene the regular session, Councilman Probasco seconded. The motion passed by unanimous voice vote.

Councilman Boehning moved to approve the August 3, 1998 Minutes, Councilman Fisher seconded. The Minutes were accepted by unanimous voice vote.

The Clerk stated that there were no Presentations or Disposal of Claims or Presentations of Petitions or Communications.

The Clerk stated that the following reports are available in the Clerk's Office:

Clerk's Office Monthly Reports– July and August 1998  
Controllers Monthly – July and August 1998  
Motor Vehicle Report – July 1998  
Miscellaneous Monthly Department Reports

President Altting acknowledged Dave Blaauw and Bill Culpepper who presented an award to the City of Lafayette for their participation in the Wabash River Cycle Club bicycle ride held on August 30, 1998. Mayor Dave Heath congratulated the Wabash River Cycle Club on the successful event and also congratulated the West Lafayette team.

***Ordinances for Second Reading:***

President Altting stated that there was an incomplete filing of Ordinance 98-56 with the actual Ordinance being filed after the filing deadline. President Altting requested that the vote on suspending the rules be conducted due to the number of citizens in attendance to speak regarding the Ordinance. Councilman Campbell moved to suspend the rules to hear Ordinance 98-56, Councilman Downie seconded. The motion to suspend the rules passed 8-0 on a roll call vote. President Altting stated that Ordinance 98-56 would be considered later in the meeting.

The Clerk read Ordinance 98-35 (An Ordinance to Vacate a Portion of the Public Way in the City of Lafayette - St. James Lutheran Church Petitioner) by title only for second and final reading. Councilman Downie moved for passage, Councilman Meyer seconded. Mr. Joseph Bumbleburg stated that he had submitted an amended land description and map and requested that council amend the ordinance. Councilman Boehning moved to amend the ordinance, Councilman Meyer

seconded. The amendment passed 8-0 on a roll call vote. Mr. Bumbleburg explained the ordinance and the reason for no compensation for the vacated property. Councilman Fisher asked several questions. Ordinance 98-35, as amended, passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-40 (An Ordinance Fixing the Salaries of the Elected Officials of the City of Lafayette, Indiana for the Years 1999 and 2000) by title only for second and final reading. Councilman Rhoda moved for passage, Councilman Downie seconded. Ordinance 98-40 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-43 (An Ordinance Approving Lease Amendments Between the Lafayette Redevelopment Authority and the Lafayette Redevelopment Commission) by title only for second and final reading. Councilman Downie moved for passage, Councilman Smith seconded. Sherry McLauchlan, Redevelopment Director, explained the reimbursement to Tippecanoe County to construct portions of McCarty Lane. Ordinance 98-43 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-44 (An Ordinance Vacating both the Public Alley Between 26<sup>th</sup> Street and 27<sup>th</sup> Street in the block North of South Street and the Unimproved Public Alley between Ferry Street and the other Public Alley within the City of Lafayette, Indiana - Lafayette Home Hospital Petitioner) by title only for second and final reading. Councilman Fisher moved for passage, Councilman Rhoda seconded. Tom McCully, representing Home Hospital, explained the proposal. Mr. McCully explained that there have been very few improvements to the property. Mr. McCully explained that Home Hospital has been very public about their plans for the property. Mr. McCully explained that the City of Lafayette has acknowledged problems with parking by Home Hospital employees on city streets in the neighborhood. Mr. McCully explained that Home Hospital conducted a public meeting to explain the proposal to the neighborhood. Councilman Smith asked about requesting the vacation prior to the rezone taking place. Mr. McCully explained that tabling the ordinance would only delay further construction plans. Discussion ensued about zoning issues and the implications of the enactment of NUZO. Councilman Fisher stated that the vacation should be granted. Councilman Downie stated that it was her recollection that when the Home Hospital garage was completed, Home Hospital stated that there would be no further intrusion into the residential neighborhood. Mr. McCully stated that this area has been earmarked for hospital purposes for many years. Discussion ensued. Beverly Van Hook, 2609 South Street, spoke in opposition to the proposal. John Riehle, 17 N. 28<sup>th</sup> Street, spoke in opposition to the proposal. Joseph Zych, 2613 South Street, spoke in opposition to the proposal. Margy Deverall, 114 S. 27<sup>th</sup> Street, spoke in opposition to the proposal. Councilman Boehning asked if there would be a problem tabling the ordinance for a month. Councilman Campbell stated that he does not object to the proposal but would not object to tabling the ordinance for one month. Councilman Smith stated that since he teaches in this area he hates to see houses demolished in the neighborhood and objects to taking steps out of order. Councilman Meyer stated that according to state laws a vacation can be requested prior to rezoning. Mr. McCully stated that the issue of vacation is separate from zoning, and the request meets all statutory requirements. Councilman Fisher stated that Home Hospital has followed all legal requirements every step of the way and he supports the vacation. Councilman Rhoda stated that it is hard to separate the two requests but there is no reason to table the request for the vacation. Ordinance 98-44 passed 8-0 on a roll call vote.

#### ***Ordinances for First Reading:***

The Clerk read Ordinance 98-45 (An Ordinance Amending Chapters 3 and 4 of Ordinance 97-51 Being the Unified Zoning Ordinance of Tippecanoe County) by title only for first and final reading. Councilman Meyer moved for passage, Councilman Downie seconded. Councilman Rhoda explained the proposal. Councilman Boehning spoke in favor of the ordinance, Councilman Campbell spoke in favor of the ordinance due to his dislike for all signs. Ordinance 98-45 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-46 (An Ordinance Amending Chapters 1, 2, 3, 4, 5 and Appendix D of Ordinance 97-51 Being the Unified Zoning Ordinance of Tippecanoe County) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Fisher seconded. Councilman Rhoda explained the proposal. Sherry McLauchlan explained that there has been little public notification on this proposal to limit residential units on the ground floor in the downtown area. Mr. Burns stated that if the ordinance were amended it would send the ordinance back to all other county jurisdictions. Councilman Campbell asked if the APC representative could discuss this problem with the APC. Councilman Rhoda stated that the Board of Zoning Appeals would have control over first floor residential areas with the ability to grant special exceptions. Councilman Fisher asked if Lafayette had the only CB District. John Downey, 520 S. 10<sup>th</sup> Street, and member of the APC, explained the reason for the APC recommendation and those current residential units would be grandfathered. Discussion ensued. Councilman Smith asked why Lafayette was included since this was an issue for West Lafayette. Mr. Downey explained the process for including Lafayette. Mr. Downey and Councilman Rhoda reiterated that there is still the ability to ask for special exceptions through the variance process. Councilman Campbell

stated that the council should move on with passage and trust that the APC ordinance committee will take care of the problem. Opal Kuhl, City Engineer, stated that it was not passed by the ordinance committee meeting because of various concerns but felt that it could be handled by the ordinance committee. Steve Klink, member of LUEA and DBC Development Corporation, stated that it was brought to those organizations about one week ago. Mr. Klink also stated that special exceptions are currently not allowed under NUZO. Mr. Klink further stated that this conflicts with downtown development objectives and stated his concern with passing the ordinance and trying to fix the problem later. Mr. Klink stated that government should not step in and prohibit potential uses in the downtown area. Councilman Boehning suggested that council pass the ordinance as is and request that the APC representative be asked to remove "CB and" in section 19. Councilman Smith moved to amend Ordinance 98-46 to remove "CB and" in section 19, Councilman Probasco seconded. Councilman Meyer stated that because of the ordinance being currently considered by other legislative bodies he felt that it should be passed as is and request that Councilman Rhoda attempt to get it corrected through the APC process. Councilman Probasco disagreed because there is no way to ensure that the APC would agree. Councilman Boehning agreed with Councilman Meyer. Mr. Downey stated that the ordinance has to be voted on as is without amendment and the correction would probably have support with the APC. The amendment failed 2-6 on a roll call vote with the vote being as follows:

Ayes: Probasco, Smith

Nays: Boehning, Meyer, Campbell, Downie, Rhoda, Fisher

President Alting stated that he has received many telephone calls regarding this ordinance and he agrees that this is an infringement on the rights of property owners. Ordinance 98-46 passed 6-2 on a roll call vote with the vote being as follows:

Ayes: Boehning, Meyer, Campbell, Downie, Rhoda, Fisher

Nays: Probasco, Smith

Councilman Meyer moved to resolve that the council recommend to the APC and the Ordinance Committee of APC to consider removing "CB and" language from this APC amendment to NUZO and bring that back to council to consider, Councilman Probasco seconded. Councilman Smith stated that this is a weak position. The resolution passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-47 (An Ordinance to Rezone Certain Real Estate Within the City of Lafayette, Indiana, from R1 to GB, Maple Point Enterprises, Petitioner) by title only for first and final reading. Councilman Meyer moved for passage, Councilman Downie seconded. Joseph Bumbleburg, representing the petitioner, explained the proposal that is a housekeeping matter. Ordinance 98-47 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-48 (An Ordinance to Rezone Certain Real Estate Within the City of Lafayette, Indiana, from PDMX to CB, Ball Building LLP, c/o Jay Reynolds, Petitioner) by title only for first and final reading. Councilman Downie moved for passage, Councilman Fisher seconded. Joseph Bumbleburg, representing the petitioner, explained the proposal. Lisa Decker, City Clerk, pointed out that there was a scrivener's error on Ordinances 98-47 and 98-48 with an incorrect reference to the old zoning ordinance. The scrivener's errors were accepted by unanimous voice vote. Ordinance 98-48 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-49 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from I3 to R3, Lyn Treece Boys and Girls Club, Inc., Petitioner) by title only for first and final reading. Councilman Fisher moved for passage, Councilman Smith seconded. Dan Teder, representing the petitioner, explained the proposal. Councilman Meyer inquired about the prohibition of college students in the housing units. Ordinance 98-49 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-50 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from R3 to NB, Irvine Travel, Inc., Petitioner) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Probasco seconded. Dan Teder, representing the petitioner, explained the proposal. Councilman Fisher stated that the zoning is appropriate for the site. Ordinance 98-50 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-51 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from I3 to GB, Middle J LLC, Petitioner) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Downie seconded. Paul Coats, C & S Engineering, explained the proposal. Ordinance 98-51 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-52 (An Ordinance to Rezone Certain Real Estate Within the City of Lafayette, Indiana, from I3 to GB, Jeffrey J. Brand, Petitioner) by title only for first and final reading. Councilman Probasco moved for passage,

Councilman Meyer seconded. Joseph Bumbleburg, representing the petitioner, explained the proposal. Ordinance 98-52 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-54 (An Ordinance Annexing a Certain Area into the City of Lafayette, Indiana Located Along S.R. 25 and U.S. 52) by title only for first reading. Councilman Downie moved for passage, Councilman Boehning seconded. Joseph Bumbleburg, explained the proposal. Councilman Smith moved to amend the ordinance to assign the area to Council District 6, Councilman Probasco seconded. The motion passed by unanimous voice vote. Ordinance 98-54, as amended, passed 8-0 on a roll call vote.

Councilman Meyer moved to set a public hearing on Ordinance 98-54 for October 5, 1998 at 7:01 p.m., Councilman Fisher seconded. The motion to set a public hearing passed by unanimous voice vote.

The Clerk read Ordinance 98-55 (An Ordinance Pertaining to the SIA Annexation Area) by title only for first reading. Councilman Probasco moved for passage, Councilman Downie seconded. Mayor Dave Heath explained the annexation proposal that is a voluntary annexation worked out with SIA. Mayor Heath explained that the annexation will occur on January 1, 2005 and taxes will be phased in for 3 years after. Eric Burns, City Attorney, stated that Doug Meyer, representing SIA, was available for questions. Councilman Campbell asked several infrastructure questions. Councilman Meyer stated that he supports the annexation and inquired about the use of the money that will be collected prior to annexation. Mayor Heath stated that the goal is to complete the utility projects. Councilman Meyer asked if the residences could be excluded from the annexation and Mayor Heath stated that the annexation has to be contiguous to the city therefore the residences had to be included. Councilman Probasco commended the Mayor and SIA for their amicable agreement on the annexation plan. Councilman Probasco moved to amend the ordinance to assign the annexation area to Council Districts 1 and 5, Councilman Campbell seconded. The amendment was accepted by unanimous voice vote. Donna Giroux, read a statement in opposition to the ordinance on behalf of Nettie Flowers, 3435 US 52 South. Larry Giroux, 3324 US 52 South, spoke in opposition to the ordinance. Mr. Burns stated that there would be a public meeting to address this annexation ordinance on Monday, September 21, 1998 at 6:00 p.m. in Council Chambers. Ordinance 98-55 passed 8-0 on a roll call vote.

Councilman Campbell moved to set a public hearing for October 5, 1998 at 7:02 p.m., Councilman Rhoda seconded. The motion passed by unanimous voice vote.

The Clerk read Ordinance 98-56 (An Ordinance to Rezone Certain Real Estate within the City of Lafayette, Indiana, from R3 to NB, Bruce C. Bodner Company, Inc., Petitioner) by title only for first and final reading. Councilman Downie moved for passage, Councilman Probasco seconded. Joseph Bumbleburg, representing the petitioner, explained the ordinance and the Union/Salem Corridor study. Terry Bradberry, Bruce C. Bodner Company, Inc., 47 S. Meridian, Indianapolis, showed renderings of the proposed building for a CVS Pharmacy and further explained the proposal. Bill Freirbach, A&F Engineering, Indianapolis, explained a traffic analysis that has been conducted. Elizabeth Williams, land use planner for over 20 years, explained her analysis of the property and its redevelopment potential. Charles Merrell, 28 S. 26<sup>th</sup> Street, and property owner of 1740 Union Street, spoke in favor of the proposal. Karen Fisher, 512 N 900 East, property owner of 1702 Union Street and 815 N. 17<sup>th</sup> Street, spoke in favor of the proposal. Mike Godby, speaking on behalf of his sister who owns 1722 Union Street, spoke about the neighbors in the area. Norman Devoy, 5666 Swisher Road, West Lafayette, owner of several properties in the area, spoke in favor of the proposal. Albert Johnson, 20 Foxwood Court, spoke in favor of the proposal. Lu Reed, 1532 N. Chauncey Court, stated that her son owns property on Salem Street, spoke in favor of the proposal. Susan Jacobs, 802 N. 18<sup>th</sup> Street, spoke in favor of the proposal. Delores Cart, 1727 Salem Street property owner, spoke in favor of the proposal. Jim Almond, 2009 Union Street, spoke against the proposal. Charles Beattie, Co-Chair of the Perrin Neighborhood Association, asked for audience members present to stand to show opposition to the proposal and submitted a petition against the proposal. Mr. Beattie spoke in opposition to the proposal. Ernest Deagan, 409 Perrin Avenue, spoke against the proposal. Dean Ballotti, 821 N. 6<sup>th</sup> Street, spoke against the proposal. Penny Parmenter, President of the Lincoln Neighborhood Association, spoke against the proposal. Elizabeth Mork, Director of the Wabash Valley Trust, spoke against the proposal. Keith Brown spoke against the proposal. Mr. Bumbleburg presented letters from Darrell Clase, resident of 1240 N. 15<sup>th</sup> Street, and Timothy Kincaid, property owner of 1728 Union Street, which were both in favor of the proposal. Mr. Bumbleburg further explained the proposal. Discussion ensued. Councilman Meyer stated that the Union/ Salem Corridor study might need to be revisited. Councilman Boehning also stated that it might be time to revisit the study. Councilman Fisher stated that he grew up at 1515 Salem Street and he stated that change is inevitable. Councilman Rhoda made several comments and stated that he is struggling with his vote on this issue. Ordinance 98-56 failed 0-8 on a roll call vote.

***Resolutions:***

The Clerk read Resolution 98-17 (A Resolution of Support for Entry of the City of Lafayette, Indiana to the Great American Main Street Award Competition for 1999) by title only for first and final reading. Councilman Probasco moved for passage, Councilman Smith seconded. Sherry McLauchlan explained the proposal to reapply for a second year. Resolution 98-17 passed 8-0 on a roll call vote.

The Clerk read Resolution 98-18 (A Resolution Ratifying and Approving the Designation of an Economic Revitalization Area for Tax Abatement, Hanson Cold Storage Company) by title only for first and final reading. Councilman Meyer moved for passage, Councilman Downie seconded. Joe Mitchell, business manager, stated that he was available for questions. Resolution 98-18 passed 8-0 on a roll call vote.

Councilman Downie moved to set a public hearing on Resolution 98-18 for October 5, 1998 at 7:03 p.m., Councilman Campbell seconded. The motion passed by unanimous voice vote.

***Tabled Ordinance:***

The Clerk read Ordinance 98-37 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from PDRS to PDRS, Jerry Downham, Centennial Neighborhood Planned Development, Phase 2, Petitioner) by title only for final reading. Councilman Fisher moved for passage, Councilman Boehning seconded. Gary Wolfelt, 812 Main Street, representing the petitioner, briefly explained the proposal and stated that he would appreciate council support. Council discussion ensued. Sherry McLauchlan distributed preliminary information from the Danter Company regarding the neighborhood study being conducted. Phyllis Hunt, 602 N. 5<sup>th</sup> Street, and Todd Helfter, 659 N. 7<sup>th</sup> Street, spoke against the rezone. Ordinance 98-37 failed 0-8 on a roll call vote.

The Common Council acknowledged the following retirees from the City of Lafayette: John Corbin, Assistant Electrician, 22 year of service; Charles Payne, Assistant Foreman in the Sanitation Department, 26 years of service; and James Reeves, Deputy Police Chief, 24 years of service.

Reports of Standing Committees: There were no reports.

Reports of Special Committees: There were no reports.

Reports by Mayor: Mayor Heath reported that the roadwork on the South 9<sup>th</sup> Street project is due to be completed by the end of October.

Reports of Councilman: Councilman Smith stated that the police academy up and running and everyone is enjoying the program. Councilman Probasco stated that the Council assignments on the budget process have been made and each councilman should contact the department heads to schedule times to discuss their budget.

Public Comment: Geneva Werner, 3212 Longlois Drive, stated that she is concerned about the Vinton and Edgelea pools having no funding in 1999 budget and stated that she would like to see the Vinton pool operating by next summer. Mayor Heath stated that the administration has not given up on those pools and that special financing will need to be made after a plan is in place for the city's aquatic needs. Councilman Smith asked how quickly an aquatic plan can be set in place. Mayor Heath stated that as soon as the study is completed, the city will move forward with the recommendations. Councilman Meyer stated that money could be set aside into the cumulative capital improvement fund. Eric Burns stated that a park capital improvement fund would need to be established. Betty Weaver, northend resident, stated that she is concerned about the Vinton pool issue.

Lisa Decker, City Clerk, thanked those who assisted with planting mums by the Farmers Market in downtown.

There being no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Probasco seconded. The Motion passed by unanimous Voice Vote. Time being 10:45 p.m.

Minutes prepared by Lisa Decker, City Clerk.

*A tape recording of this council meeting is maintained in the City Clerk's Office.*